

MINUTES

MUNICIPAL PLANNING COMMISSION

Mountain View County

Minutes of the **Municipal Planning Commission** held on **January 6, 2011**, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: L. Burrell; Member-At-Large/Chair
K. Branter; Member-At-Large
K. Walton; Member-At-Large
B. Nerrie; Member-At-Large

B. Orr; Councillor
P. McKean; Councillor
K. Good; Councillor

IN ATTENDANCE: D. Hawryluk; Director of Planning & Development Services
S. Madge; Manager of Development Services
C. Banack; Planner
J. Ruhe; Development Officer
K. Jamieson; Recording Secretary

CALL TO ORDER: L. Burrell called the meeting to order at 9:03 a.m.

AGENDA MPC 11-001 Moved by Kevin Good
That the Municipal Planning Commission adopt the agenda of the Municipal Planning Commission meeting of January 6, 2011 as presented. Carried

ADOPTION OF MINUTES MPC 11- 002 Moved by Patricia McKean
That the Municipal Planning Commission adopt the minutes of the Municipal Planning Commission meeting of December 16, 2010 as presented. Carried

RDSD20100000004
NE 13-30-4-5

Planning and Development Services presented an overview of a proposed subdivision located at NE 13-30-4-5, and provided information as introduced in the agenda package, such as the location map, aerial photos and site photos.
Planning and Development Services provided specific information to the application as follows:
• To create three two-acre parcels from NE 13-30-4-5 consisting of 154.94 acres.

- Subject property was redesignated to Country Residential (1) by Council in August 2010.
- Located adjacent to Township Road 303 (Carstairs Blind Line – CCN) to the north and Range Road 40 (Non-CCN) to the east.
- Predominant use of land is Agricultural with some residential.
- One existing subdivision on quarter.
- There are two identified CFOs in the area, but neither is a concern when considering this application.
 One CFO on the SW 20-30-3-5 was a poultry operation that has not been in operation since 2005. The quarter is subject to an application currently, and the landowner is proposing to cancel their NRCB registration should their subdivision be approved. Not a concern when considering application.
 Another CFO on the SE 22-30-4-5 received a Development Permit from the County in 1996 for an expansion from 30 sows to a maximum of 75 sows. Minimum Distance Separation (MDS) for the operation at its maximum = 577 metres to a Country Residential zoned parcel. The proposed parcel parcels are approximately 3,100 metres from the CFO. This operation would need to expand to house approximately 150,000 sows before the proposed parcels would be within the operation's MDS. The subdivision area is undeveloped; there are three dwellings and their associated ancillary buildings on the balance of the quarter, and an additional dwelling on the existing subdivision in the northeast corner. The remainder of the quarter is used for agricultural purposes.
- No identified environmentally significant areas or hazard lands on the quarter section.
- No wells or pipeline facilities on quarter.
- A proposed condition of subdivision includes the upgrade of the partially developed road allowance to the east of the proposed parcels to minor farm access, to provide appropriate legal and physical access.
- Application for subdivision is clustered with existing subdivision on quarter that has an existing dwelling. There are three dwellings on balance.
- In 2009 applicant originally applied for three lots in northwest corner. This redesignation was refused by Council because of objection from neighbours. Applicant reapplied in current location.
- At the time of redesignation approval, Council requested that MPC consider the width of the road requirements to preserve as many trees as possible. Planning Services worked with Operational Services with respect to this request. Operational Services reviewed the current road standards and right of way situation in the field. It was recommended that the road be upgraded to a minor farm access with a 15 metre radius cul-de-sac at the end. Operational Services has determined that the upgrading will require the clearing of the trees to allow for 66 foot right of way. If the trees were to remain, they would cause maintenance issues. In addition, Operational Services advised that many times trees near construction will die anyway.

- Approval recommended by Planning and Development as the land is suitable, complies with LUB and MDP and there were no objections from adjacent landowners or referral agencies.

Municipal Planning Commission discussed the following:

- Suitability assessment.
- Number of residences on the quarter (seven). The LUB is written such that the 1st dwelling is permitted, the 2nd dwelling is discretionary, and accordingly it is at the discretion of MPC as to whether or not further dwellings will be approved.
- Acreage in the NE corner has a separate title. Three additional homes on the balance of quarter. Previous permits for this property include: 1994 permit issued for home (3rd residence) and in 1997 permit issued for setback relaxations for that 3rd residence.
- Clarification regarding the CFO on quarter to the east was given that the proposal will meet MDS and this CFO is not a concern even if permit is not cancelled with NRCB. There are other residences that are closer than the proposed.
- Road allowance - Wayne Brown from Operational Services advised that there would be a lot of traffic on this road and that it could not be reduced from the standards any further. The County will have to maintain this road in the future. Cost for the road will be that of the applicant since it is a subdivision.
- Fencing.

Applicant discussed the following:

- Advised that it would be the preference of the landowner to build the minimum amount of road possible. The 330m of road does take some of the two-acre lot for roadway, but there is still lots of room for a home on the west end of that lot. However, the applicant and landowner would agree to the 380m road and would also defer to the County's recommendations with respect to the trees.
- Original application was for three two-acre lots in upper NW corner off of CCN. Owners of land to west objected at the time so Council refused it and advised them to reapply to cluster with homes on the quarter section.
- Trees along road are natural. Poplar, some willow along there, but mainly poplar. The landowners preferred to leave it to not level it right down.

Moved by Kim Walton

MPC 11-003 That the Municipal Planning Commission approve the proposed subdivision, three (3) two point zero (2.0) acre parcels within NE 13-30-4-5, submitted by TAYLOR, Ken, RDSD20100000004, subject to the following conditions:

Standard Conditions:

1. The approval fee of \$ 1200.00 shall be paid to Mountain View County within 30 days from the date of this notice of decision.
2. The applicant shall construct/upgrade approaches from the municipal road to the proposed and residual lots. All new and existing approaches shall be constructed/upgraded in accordance with the construction specifications of Mountain View County.
3. Payment of property taxes in arrears shall be made to Mountain View County.
4. Subdivision to be effected by an instrument acceptable to the Land Titles Office (Descriptive Plan or/Plan of Survey).
5. Municipal Reserves
 - (1) Agricultural Parcels, Low Density Rural Residential Development (Less than five (5) titles per quarter section):
 - a. N/A; or
 - b. Cash in lieu of municipal reserves are to be paid to Mountain View County within 30 days from the date of this notice of decision. Approximately 0.6 acres are owing and at a rate of \$ 3546.22 per acre, therefore \$ 2127.73 is owing to the County. This figure will be subject to confirmation upon receipt of the final plan of survey.
 - c. N/A
 - d. N/A
 - (2) N/A

Standard Conditions if Applicable:

6. That the applicant enters into an agreement for the provision of road widening (northerly 5.18 metres) across the subject property to the satisfaction of Mountain View County.
7. A qualified surveyor shall prepare a Utility Right of Way Plan (UROW) and that the applicant enters into a General Utility easement Agreement with Mountain View County. The UROW Plan will dedicate 5 meters in width commencing at 5.18 meters measured in perpendicular distance adjacent to Township Road 303, and 5 meters in width commencing at 5.18 metres measured in perpendicular distance adjacent to Range Road 40.
8. N/A
9. N/A

10. The applicant shall submit the following reports, plans and specifications prepared by a qualified professional. These reports shall be to the satisfaction of Mountain View County and the findings shall guide and be incorporated within the drafting and execution of the development agreements:
 - a. A Groundwater Supply Evaluation. This report shall confirm the availability and adequacy of a suitable water supply that complies with applicable provincial standards and regulations.
 - b. Private Sewage System Suitability Analysis. This report shall include a soil texture classification tests on each of the proposed lots to determine an appropriate effluent treatment and disposal system.
 - c. Stormwater Management Plan. This plan shall address current and future drainage requirements in support of the proposed development while satisfying constraints imposed by topography, existing and proposed land uses, land ownership, and other local considerations. The plan shall be completed by a qualified professional engineer accredited by APEGGA, and shall identify and locate major drainage facilities, including major drainage channel improvements, open channel routes, retention/detention facilities, and land requirements for drainage purposes. The findings of this report should be incorporated within engineering plans and specifications detailing drainage improvements in support of the proposed development.
 - d. Road Construction Plans and Specifications - Engineered road plans for the upgrading/construction of Range Road 40 from the intersection with Township Road 303 to approximately 380 metres to the standard of Minor Farm Access with an additional 15 metre radius cul-de-sac at the south end. The road construction plans and specifications shall conform to Mountain View County's Road Standards and must be accepted by Mountain View County prior to construction.
11. The applicant shall enter into development agreements with Mountain View County in accordance with Section 655 of the Municipal Government Act. The development agreements shall address such matters including but not limited to the following:
 - a. the construction of municipal improvements;
 - b. the provision of necessary utilities, easements, and right of ways;
 - c. endeavour to assist provisions;
 - d. water and sewage treatment requirements;
 - e. landscaping and fencing requirements;
 - f. stormwater management;
 - g. security requirements;
 - h. inspection provisions.

As required, the development agreements may be registered via caveat on the affected land provided the nature and intent of the agreements.

12. The applicant shall make suitable arrangements with Corporate Services department of Mountain View County to acquire, assign and post rural addresses for the proposed and residual lots in accordance with the rural addressing bylaw. The applicant shall provide confirmation in this regard.
13. N/A
14. N/A
15. N/A
16. The applicant shall review necessary off site (primary and secondary) upgrades to the power distribution system with the power utility provider to service the subdivided lands. Where off-site upgrades are deemed necessary by the power utility provider, the applicant shall enter into an executed agreement to service the subdivided lands. Confirmation shall be provided to Mountain View County and will form part of the development agreement.

Additional Conditions:

17. The applicant shall install perimeter fencing in the form of three or four strand barb wire or a page wire fence around the subdivided lands northerly, westerly and southerly boundaries. Confirmation shall be provided to Mountain View County.
18. The applicant shall upgrade and construct approximately 380 metres of road to the standard of Minor Farm Access with an additional 15 metre radius cul-de-sac at the south end. The improvements shall be detailed in engineering plans and specifications as per Condition 10 d.

The question on Motion MPC 11-003 was not called.

MPC 11-004 Moved by Patricia McKean
That the matter be deferred to later in the meeting.

Carried

PLDP20100000299
SE 35-29-6-5

Planning and Development Services presented an overview of a proposed development located at SE 35-29-6-5, and provided information as introduced in the agenda package, such as the location map, aerial photos and site photos. Planning and Development Services provided specific information to the application as follows:

- Proposal to develop similar to Recreation Resort uses which includes Recreation Services Indoor and Outdoor

Participant and Accessory uses (Kids Cancer Care Foundation of Alberta) in Water Valley neighborhood.

- Zoning for the property is all Parks and Recreation. This was a partial Recreation zoning, but recently got approval for full Parks and Recreation zoning.
- Parcel size is 160 acres.
- Entire parcel is environmentally significant because there are a lot of trees.
- No pipelines or wells on property.
- Some water going through with contouring. There is a lot of sloping on parcel.
- In August of 2009 the Kids Cancer Care Foundation of Alberta purchased the property. Since taking ownership the applicant has been working with Planning and Development to bring everything into compliance.
- An initial slope stability study was completed but did not include the upper slope of the Village. Planning and Development does have concerns, and an additional slope stability study was requested. The applicant would like to proceed without this additional study because of cost. As an alternative, the applicant had compiled an action plan and is requesting that MPC consider that instead.
- On the property there are existing dorms which are being demolished to be replaced with new dorms. The bunkhouse is to remain. The hillside above this building is the slope that is of concern. The barn will no longer be used for agricultural uses and instead will be used for storage and shop. The existing dwelling for full-time caregiver will be changed to health or wellness centre and the caregiver will move to new dwelling once constructed. The main lodge will be partially demolished and will be used as dorm. A new kitchen/dining area facility will be constructed.
- The Land Use Bylaw considers any slopes above 10% sloping as hazardous. Some of the slopes present on property are between 21-39% so well above 10%.
- Planning and Development recommends MPC to approve the proposed uses as per Schedule A.
- As an alternative to having the additional slope stability report done, the applicant had a work plan done that outlines steps to be taken. Planning has included two options for Condition #14 to either have the additional slope stability study done or the work plan followed.
- Approval also recognizes some passive uses which are exempt from requiring permits (including interpretive trails, hiking, biking, etc.)
- Access - road ends in SW corner and the Camp utilizes a small portion of adjacent property. An Access Easement Agreement with the adjacent landowner to utilize this road is in process.
- Front yard relaxation required.

Municipal Planning Commission discussed the following:

- Concern with the wording of 2nd option of Condition 14 - wording reads - "slope inclinometer *may*". If it is a condition should we not be saying it is or isn't required.
- The action plan was reviewed. The cost of putting the action plan in place is estimated at \$21,544. Jasa Engineer submitted the recommendations to Cana Construction and Cana provided the information to Camp Kindle.
- If the work plan is approved and something happens liability would rest more with the engineer as opposed to the County. The County is basing their decision on the reports provided.
- Clarification with respect to the creek in southwest corner and best management practices was requested. Planning advised that Alberta Environment was circulated to and best management practices would have to be through them as this would be outside of the County's scope. Planning further advised that the County could place a Restrictive Covenant on the property as part of the conditions which would protect the creek through the County's environmental policies.

Applicant discussed the following:

- Mike McKay - Director of Programs for Kids Cancer Foundation spoke on behalf of the applicant.
- Cana Construction felt it was nearly impossible to get to area to do full investigation and slope study. It is estimated that in order to get the appropriate equipment in to do this (ie. trucks/rigs/helicopter), the cost would be between \$50,000 and \$60,000. They felt the action plan was a better alternative.
- No signs elsewhere of movement on slope. They have been checking it weekly and cutting down trees and taking precautions. Original cut done in mid 60s. When bunkhouse was built about five years ago, the retaining wall was put up. There has been some shale falling against retaining wall. Drainage is also monitored and they are looking at developing better drainage system.
- Clarified that the dining hall and lodge area seats 160 people for eating purposes. Current situation for all dorms, bunkhouses and staff volunteer beds is 140 people. Bunk capacity for children is approximately 140. Looking at cutting back numbers with the removal of old bunkhouse (held 96 campers). The two new ones will only have capacity of 40 each. No intention of creating large operation. Keep weekly ratios down to about 80.
- Explained water and sewer systems can accommodate these numbers. They are operating five separate wells and three separate septic fields (one major area supports upper Village with two tanks and then field from that). The applicant will look at reviewing and upgrading as new builds happen. Acknowledge that the systems will have to

accommodate pool. The area down by barn has own septic/well services.

- Access Easement Agreement - they are finished doing letter for adjoining landowners. They are also looking at other options to move access back and may cut a corner of County-owned lease land. Access Easement Agreement may be temporary only.
- Land to north is provincially-owned forestry land. On a small parcel (one acre) is an old log cabin. Applicant has lease with Alberta Government for that cabin and has year-round access.
- Explained that there are three additional buildings on the lease land. In one location there is one cabin and an adjacent bunkhouse that are in terrible condition. The applicant is working with the Alberta Government to demolish that old bunkhouse. Farther down there is another small cabin that has collapsed (outside of lease area, but along access trail). Alberta Government has given the applicant permission to remove it for safety.

Moved By Patricia McKean

MPC 11-005 That the Municipal Planning Commission approve the proposed Similar to Recreation Resort uses which includes Recreation Services Indoor and Outdoor Participant and Accessory uses detailed in schedule "A" in accordance with the Land Use Bylaw 10/10 and the submitted application, within SE 35-29-6-5, submitted by Kids Cancer Care Foundation of Alberta, Development Permit PLDP20100000299 subject to the following conditions:

Standard Conditions:

1. The provisions of the Land Use Bylaw No. 10/10.
2. Approval by the approving authority does not exclude the need and/or requirements of the Permittee to obtain any and all other permits as may be required by this or any other legislation, bylaws, or regulations.
3. The Development Officer may, by notice in writing, suspend a Development Permit where development has occurred in contravention to the terms and conditions of the permit and/or Land Use Bylaw.

Standard Conditions if Applicable:

4. Landowners shall be responsible for dust control on the County road adjacent to their property.
5. All access approaches must be to County standards. A no charge approach permit is required and can be obtained at the Mountain View County office.

6. An Alberta Land Surveyor is to locate / post the location of the building(s) /structure(s) prior to construction as per the approved sketch. The County shall not be responsible or liable for non compliance with this condition.
7. N/A.
8. N/A.
9. A rural address is required to be posted on the property. The landowner shall contact Mountain View County to obtain a rural address and the requirements for positing it on the property as per the Rural Addressing Bylaw.

Permits Associated with Building Construction:

10. If the development authorized by a development permit is not commenced within 6 months from the date of its issue and the development completed within 18 months from the date of its issue, the permit shall be deemed to be null and void, unless an extension has been granted by the Development Officer.
11. Permittees are advised that they are subject to standards of the Safety Codes Act of Alberta and are responsible to meet the requirements of the Act in regards to building, electrical, gas, plumbing and private sewage disposal. Prior to construction required permits must be obtained from Mountain View County. Mountain View County shall not be responsible or liable in any manner whatsoever for any structural failures, defects or deficiencies whether or not the said development has complied with the Safety Codes Act of Alberta

Additional Conditions:

12. Approval is granted for a southerly front yard relaxation from 40 metres (131.2ft) to 16.5 metres (54ft) to the pole barn.
13. The applicant / landowner shall prepare and enter into an access easement agreement, to be registered on title, with the landowner(s) of the SW 35-29-6-5 to provide access to the SE 35-29-6-5. A copy will be submitted to Mountain View County.
14. The applicant/landowner shall complete the action plan as submitted in the letter dated December 12, 2010 by Cana Construction Ltd. in regards to the hillside slope above the existing dormitory building. This action plan recognizes that further investigation including the drilling of test holes and the installation of slope inclinometer standpipe may be warranted and that monitoring of the slopes for signs of instability/ movement should be conducted on an ongoing basis particularly after periods of thaw and heavy rainfall.

Question on Motion MPC 11-005 not called.

MPC 11-006 Moved by Keith Branter
The wording in Condition 14 be changed from “may” to “will” in
the sentence containing “the slope inclinometer standpipe may”.
Carried

Question on Motion MPC 11-005 was called.
Carried

CORRESPONDENCE

Information Items

MPC 11-007 Moved by Keith Branter
That the Municipal Planning Commission receive the following
items as information:
a) ASDAA Agenda from December 14, 2010.
b) ASDAA Agenda from December 20, 2010.
c) SDAB Appeal Decision - DP201000000344.
d) Permitted Development Permits Approved.
Carried

Recess called at 10:26 a.m.
Meeting resumed at 10:32 a.m.

RDSD20100000004
NE 13-30-4-5

MPC 11-008 Moved by Bob Nerrie
To amend Condition #18 for the NE 13-30-4-5, to include the
wording “as shown on the revised sketch”.

18. The applicant shall upgrade and construct approximately 380
metres of road to the standard of Minor Farm Access with an
additional 15 metre radius cul-de-sac at the south end as
shown on the revised sketch. The improvements shall be
detailed in engineering plans and specifications as per
Condition 10 d.

The question on MPC 11-003 was called.
Carried

ADJOURNMENT

MPC 11-009 Moved by Bob Orr
That the Municipal Planning Commission of January 6, 2011 be
adjourned at 10:40 a.m.
Carried

Adopted January 20, 2011

Chair

I hereby certify these minutes are correct.

Director of Planning and Development